

**FILED**  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

OCT 18 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

BY  
DEPUTY \_\_\_\_\_

**SEALED**

UNITED STATES OF AMERICA

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§  
§

6:17CR 73

v.

JOEY DESHUN HYMES (01)

JUDGE RC/KNM

**INDICTMENT**

THE UNITED STATES GRAND JURY CHARGES:

**COUNT ONE**

Violation: 21 U.S.C. § 841(a)(1) (Possession  
with intent to distribute cocaine base, also  
known as crack cocaine)

On or about December 20, 2016, in Gregg County, Texas, in the Eastern District of  
Texas, **Joey Deshun Hymes**, Defendant herein, did knowingly, intentionally and  
unlawfully possess with intent to distribute and did distribute approximately 28 grams or  
more or of a mixture or substance containing a detectable amount of cocaine base, also  
known as crack cocaine, a Schedule II controlled substance.

In violation of 21 U.S.C. § 841(a)(1).

**NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE**

Pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461

As a result of committing the offense alleged in this indictment, the defendant shall forfeit to the United States of America pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461:

1. Any property constituting, or derived from, and proceeds the defendant obtained, directly or indirectly, as the result of such violation;
2. Any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of such violations, including but not limited to the following:

**Cash Proceeds:**

A sum of money equal to \$2,400.00 in United States currency, representing the amount of proceeds obtained by the defendant as a result of the offense alleged in this indictment, for which the defendant is personally liable.

**Substitute Assets:**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:


- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p) to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property, including but not limited to all property, both real and personal, owned by the defendant.

By virtue of the commission of the felony offenses charged in this indictment, any and all interest the defendant has in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461.

A TRUE BILL,

Date: 10-18-17

  
\_\_\_\_\_  
FOREPERSON OF THE GRAND JURY

BRIT FEATHERSTON  
ACTING UNITED STATES ATTORNEY

  
\_\_\_\_\_  
CHRIS BOTTO  
SPECIAL ASSISTANT U.S. ATTORNEY

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JUDGE \_\_\_\_\_

**SEALED**

**NOTICE OF PENALTY**

COUNT 1

Violation: 21 U.S.C. § 841(a)(1)

Penalty: If more than 28 grams of cocaine base, not less than 5 nor more than 40 years imprisonment, a fine not to exceed \$5,000,000, or both, and supervised release of at least 4 years.

If this violation was committed after a prior conviction for a felony drug offense has become final, not less than 10 years imprisonment, and not more than life imprisonment, a fine of up to \$10,000,000, or both – supervised release of at least 8 years.

Special Assessment: \$100.00